

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 1, 2, 6, 10 and 11 stand rejected under 35 U.S.C 102(e) as allegedly being anticipated by U.S. patent no. 2002/0077035 A1 (hereinafter "Wang").

Claims 7-9 and 15-17 stand rejected under 35 U.S.C 103(a) as allegedly being anticipated by Wang in view of U.S. patent no. 6,206,759 (hereinafter "Agarwal").

Claims 3-5 and 14 stand rejected under 35 U.S.C 103(a) as allegedly being anticipated by Wang.

Claim 17 stands rejected under 35 U.S.C 112 for insufficient antecedent basis.

### **2. Amendments**

Claims 1, 4, 5 and 12 have been amended such that the rejection will be obviated. The amendments are supported by the specification as filed. Accordingly, no new matter is added. Claims 6-9 and 15-17 have been cancelled. The Examiner is thanked for a careful review of the claims.

### **3. Response to § 102(e) Rejection**

Claims 1 and 12 have been amended and claims 6, 10-11 have been canceled so that the rejection under 35 U.S.C 102(e) will be obviated.

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

*To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).*

Although Wang discusses a polishing pad comprising a base layer and an ion exchange material on the base, the reference fails to disclose the presently claimed features of “at least one of the base layer and the base support layer is patterned” (Claim 1) or “at least one of the base layer and the resin layer is patterned” (Claim 12). Specifically, unlike the claimed invention, Wang does not describe the pad having at least one of the base layer and the base support layer patterned, or at least one of the base layer and the resin layer patterned.

Wang therefore fails to teach or suggest each and every element of the present claims. Consequently, claims 1 and 12 are not anticipated by Wang. Claims 2, 10 and 11, which depend directly from claim 1 are likewise not anticipated by Wang. Accordingly, the present rejection under 35 U.S.C 102(e) should be removed.

#### **4. Response to § 103(a) Rejection**

Claims 7-9, 15-17 stand rejected under 35 U.S.C 103(a) as being unpatentable over Wang as applied to claims 1, 6, 12, and further in view of Agarwal. Claims 1 and 12 have been amended and claims 7-9, 15-17 have been canceled so that the rejection under 35 U.S.C 103(a) will be obviated.

Claims 1 and 12 are patentable in view of the references cited by the Examiner. None of the cited references teaches or suggests the presently claimed feature of “at least one of the base layer and the base support layer is patterned” (Claim 1) or “at least one of the base layer and the resin layer is patterned.” (Claim 12). The Examiner concedes on page 3 of the November 04, 2003 Office Action that Wang does not describe the pad having the base and ion exchange layer patterned.

Even the additional teaching of Agarwal does not render the present invention obvious. Agarwal discloses a polishing pad comprising hard nodules that define abrasive elements to contact and abrade material from a microelectronic-device substrate assembly (Abstract). In particular, the polishing pad has “a plurality of grooves 185 through the cover layer 170, the intermediate layer 180 and a portion of the backing member 150” (Col.10, lines 2-4). In addition, Agarwal discloses the “backing member” is composed of a “compressible polymeric material” or of a “cured resin” (Col.6, lines 18-25). This clearly teaches that the polishing pad comprises grooves that extend to the resin layer only, which is the “backing member”. Therefore, the applicants respectfully disagree with the Office Action statement that Col.10, lines 1-27 teaches

"a polishing pad that is patterned to the base". The referenced lines do not support the statement made.

In conclusion, Agarwal does not describe the present claimed invention of a polishing pad having "at least one of the base layer and the base support layer patterned", or "at least one of the base layer and the resin layer patterned". Agarwal clearly fails to cure the deficiencies noted with respect to Wang, and consequently, the claims are patentable over the combination of Wang and Agarwal.

Claims 3-5 and 14 are depended from claims 1 or 12, and are therefore patentable over the cited art too.

**5. Response to § 112 Rejection**

Claim 17 has been canceled so that the rejection under 35 U.S.C 112 will be obviated.

**6. Conclusion**

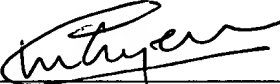
In view of all the foregoing reasons, applicants respectfully submit that the present application is in condition for allowance, and such allowance is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Jaina Chua at (408) 947-8200 ext. 213.

Respectfully submitted,

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